



MEMORANDUM

DATE: October 20, 2021

TO: Members of the Michigan Independent Citizens Redistricting Commission

FROM: John E. Johnson, Jr., Executive Director of the Michigan Department of Civil Rights on behalf of the MDCR and the Michigan Civil Rights Commission

SUBJECT: Assessment of Proposed Michigan Independent Citizens Redistricting Commission Maps

The Michigan Independent Citizens Redistricting Commission (MICRC) voted October 11, 2021 to approve ten proposed maps for upcoming public hearings. There are four Congressional maps, three state Senate maps, and three state House of Representatives maps proposed.

The MICRC maps violate the Voting Rights Act (VRA) because present percentages of minority voters have to be maintained to preserve a minority's ability to elect a candidate of its choice. *Alabama Legislative Black Caucus v. Alabama* (Oyez, www.Oyez.org/cases/2014/13-895). The proposed MICRC plans must be reviewed district-by-district, and not by the state as a whole. *Shaw v. Reno*, 509 U.S. 630 (1993).

Table 1 (below) provides demographic data to compare Michigan's current majority-minority districts with the percentages of minority voters, with the percentages in the proposed MICRC maps.

An election district in which the majority of the residents are members of a minority group, e.g., majority Black or one or more minority groups, but with no group forming a majority of the district's population are Majority-Minority Districts. *Thornburg v. Gingles*, 478 U.S. 30 (1986). The court set three criteria to evaluate Voting Rights Act violations of minority groups:

1. A minority group must demonstrate it is large and compact enough to constitute a majority in a single-member district.
2. A minority group must demonstrate it is politically cohesive.
3. A minority group must demonstrate the majority group votes sufficiently as a group to defeat the minority group's preferred candidate.

Justice William Brennan wrote the following in the court's opinion:

"The language of § 2 and its legislative history plainly demonstrate that proof that some minority candidates have been elected does not foreclose a § 2 claim. [...] Where multimember districting generally works to dilute the minority vote, it cannot be defended on the ground that it sporadically and serendipitously benefits minority voters."

Table 1

District	City	Incumbent	Population	Gender		Race							Ethnicity	
				Female	Male	Black	White	Other	Two or More	Asian	Nat. Amer.	Pacific Islander	Non-Hispanic	Hispanic
US House MI District 13	Detroit	Talib	699,214	52.60%	47.40%	56.50%	37.60%			1.20%				6.50%
US House MI District 14	Detroit	Lawrence	708	53.00%	47.00%	57.20%	33.60%			4.30%				4.60%
MI Senate District 1	Detroit	Chang	190,372	52%	49.10%	79.50%	13.30%	2.50%	1.20%	0.40%	0.40%		93.10%	6.90%
MI Senate District 2	Detroit	Holier	196,345	51.50%	48.50%	58.30%	33.80%	0.30%	2.10%	5.20%	0.30%		98.70%	1.30%
MI Senate District 3	Detroit	Santana	214,884	52.30%	47.70%	50.80%	44.20%	0.90%	2.90%	0.90%	0.30%		97.00%	3.00%
MI Senate District 4	Detroit	Bullock	188,440	52.70%	47.30%	74.60%	14.60%	7.30%	2.60%	0.40%	0.50%		84.10%	15.90%
MI Senate District 5	Detroit	Alexander	206,799	53%	47%	62.70%	32.80%	0.90%	2.50%	0.80%	0.30%		97.10%	2.90%
MI House of Reps. District 2	Detroit	Tate	59,591	53%	47%	92.10%	4.50%	0.20%	1.60%	1.30%	0.30%		99.30%	0.70%
MI House of Reps. District 3	Detroit	Thanedar	60,722	53.10%	46.90%	93.70%	3.90%	0.20%	1.80%	0.20%	0.30%		99.30%	0.70%
MI House of Reps. District 5	Detroit	Johnson	71,246	49.40%	50.60%	62.00%	22.30%	0.40%	0.40%	11.90%	0.30%		98.60%	1.40%
MI House of Reps. District 6	Detroit	Carter	65,112	51.30%	48.70%	85.20%	9.40%	0.90%	2.30%	1.80%	0.40%		97.70%	2.30%
MI House of Reps. District 7	Detroit	Scott	62,275	53.50%	46.50%	92.90%	4.40%	0.20%	180.00%	0.40%	0.30%		99.00%	1.00%
MI House of Reps. District 9	Detroit	Whisett	69,020	54.00%	46%	91.30%	6.00%	0.30%	1.80%	0.30%	0.30%		99.10%	0.90%

MI House of Reps. District 4	Hamtramck	Aiyash	62,706	52.80%	47.20%	86.90%	9.20%	0.30%	2.30%	0.90%	0.30%		98.90%	1.10%
MI House of Reps. District 10	Redford	Cavanagh	68,956	53.10%	46.90%	79.40%	16.50%	1.40%	2.50%	0.30%	0.30%		96.60%	3.40%
MI House of Reps. District 11	Inkster	Jones	66,301	52.90%	47.10%	83.40%	13.60%	0.30%	2.20%	0.20%	0.20%		98.90%	1.10%
MI House of Reps. District 12	Taylor	Garza	73,576	48.90%	51.10%	23.60%	44.40%	25.50%	4.80%	0.60%	1.10%	0.10%	45.30%	54.70%
MI House of Reps. District 29	Pontiac	Carter	80,297	51.10%	48.90%	43.20%	42.80%	5.20%	4.20%	4.00%	0.50%		85.80%	14.20%
MI House of Reps. District 34	Flint	Neeley	67,704	52.30%	47.70%	65.40%	29.00%	1.10%	3.60%	0.30%	0.50%		96.30%	3.70%
MI House of Reps. District 35	Southfield	Bolden	83,734	55.30%	44.70%	71.20%	24.10%	0.40%	2.50%	1.60%	0.20%		98.70%	1.30%
MI House of Reps. District 95	Saginaw	72,851	52.70%	47.30%	44%		46.60%	0.30%	4.00%	0.30%	0.50%		87.00%	13.00%

https://ballotpedia.org/Michigan_US_House_of_Representatives

https://ballotpedia.org/Michigan_State_Senate

https://ballotpedia.org/Michigan_House_of_representatives

The court also ruled that plaintiffs do not need to prove discriminatory intent or causation.

https://ballotpedia.org/Thornburg_v._Gingles#cite_note-usccr-1

Currently Michigan has 21 Congressional, State Senate, and House of Representative districts that meet the “majority-minority” criteria. (Table 1 lists the key demographics in Michigan’s majority-minority districts). MICRC’s proposed maps are gerrymandered so that minority voters are denied a fair share of representatives. The MICRC proposed maps dilute minority voting strength by drawing district maps far into the suburbs.

This gerrymander was done by a method called “cracking.” The proposed MICRC map lines are drawn so that an area of concentrated minority population, which is large enough to constitute one or more majority-minority (or majority-Black districts), is divided and spread among several surrounding districts that are predominantly white.

Assessment of Table 1’s demographic data provides evidence that coalitions of Black, Asian, Hispanic, Native American, “Other,” and those who identify with “two or more” racial groups have had the ability to coalesce and elect candidates of their choice.

The VRA requires majority-minority districts be drawn to prevent vote dilution in Saginaw, Southfield, Flint, Pontiac, Taylor, Inkster, Redford, Hamtramck, and Detroit. Each of these communities of interest would be denied the opportunity to elect a candidate of their choice unless the present percentages of minority voters are maintained.

The gutting of majority-minority voting strength in Michigan is seen clearly in the proposed maps of Detroit districts.

https://www.michigan.gov/documents/micrc/MICRC_Compliance_Analysis_Tracking_v10_11_738152_7.xlsx

Both of Michigan’s Majority-Minority Congressional seats (that Detroit has had since 1980), will experience minority vote dilution - the proposed map has only one compared to the two that exist now. Under a proposed draft MICRC map, there might be only one majority-minority State Senate district in Detroit instead of five. MICRC’s maps have zero Michigan House of Representatives Districts with more than 50 percent minority population.

Communities of interest (such as the LGBTQ community in Palmer Park and the Islamic communities in Dearborn and Dearborn Heights) will also be negatively impacted by MICRC’s proposed districts. For 45 years Michigan has had more partisan biased maps than 99.7 percent of all state legislative maps in the US. The MICRC is supposed to remedy this imbalance by drawing fair maps.

Michiganders overwhelmingly voted to amend the State Constitution to ensure Michigan's Congressional, State Senate, and State House district maps are drawn fairly in a transparent map process, that complies with Constitutional mandates.

Citizens and organizations have submitted redistricting plans that do not dilute minority voting strength. Drawing compact and politically cohesive majority-minority districts in Michigan will allow minorities to elect candidates of their choice.

Again, the inquiry into MICRC maps should focus on the extent to which present percentages of minority voters are maintained to preserve a minority’s ability to elect a candidate of its choice.

Significant Supreme Court Majority-Minority Cases

<https://www.ncsl.org/research/redistricting/redistricting-and-the-supreme-court-the-most-significant-cases.aspx>